IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 14670 of 2005

Between:

B.Laxmaiah, S/o B.Narayan Swamy,
P & S Cell, Reserve Bank of India, r/o 13-2-230, Satennagally, Puranapool, Hyderabad.

..... PETITIONER

AND

1. The Divisional Cooperative Officer, Golconda Division, Block No.M-7, APHB, 3rd Floor, M.J.Road, Hyderabad.
2. The Aryan Cooperative Urban Bank Ltd., O.U.Road, Nallakunta, rep. by its Official Incharge
3. Disbursing Officer, P & S Cell, Reserve Bank of India, 6-1-56, Secretariat Road, Saifabad, Hyderabad-04.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondents in recovering Rs.2,500/- per month from the petitioner's salary from August, 2004 to May 2005 as illegal, arbitrary and unconstitutional opposed to principles of natural justice and return the same to the petitioner.

Counsel for the Petitioner: MR.B.PARAMESEWARA RAO

Counsel for the Respondent Nos.1 and 2: GP FOR COOPERATION

Counsel for the Respondent No.3: MR.M.P.UGLE

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in recovering a sum of Rs.2,500/- from out of his salary in pursuance of the award passed against him.

According to the petitioner, after deductions he is getting only Rs.500/- which is not sufficient to meet minimum requirements of his family members. Though, as per the salary slip, he is getting a little about Rs.11,000/- per month, in view of the deductions including the deduction towards award in a sum of Rs.2,500/-, he is not in a position to meet his both ends. Therefore, he sought for modification of the order of deduction.

At the time of hearing, it is represented by the learned counsel for the petitioner that the petitioner filed an appeal being C.T.A.No.229 of 2004 and an interim application being I.A.No.1209 of 2004 before the Andhra Pradesh Cooperative Tribunal, Hyderabad (for short 'the Tribunal') and the Tribunal also passed an interim order of stay on condition of the petitioner depositing 25% of the amount awarded under the impugned award. However, it is that the said order was not communicated to the petitioner and in the meantime his wife fell sick and therefore he could not comply with the said order. It is further stated that as per the deductions, the respondents have already

recovered nearly a sum of Rs.30,000/- and therefore sought for modification.

The learned counsel appearing for the respondents, on the other hand, stated that the amount is deducted as the petitioner committed default and therefore, there is no merit warranting modification.

Heard both sides and considered the material on record.

In view of the meager salary that is being left over with the petitioner, it is proper and just to modify the amount of deduction as per form-14 (b) notice issued by the Divisional Cooperative Officer/Charminar Division, Rs.2,500/-, that is being deducted from out of the salary of the petitioner, who is working as a sweeper.

Accordingly, the said amount of deduction is modified reducing it to Rs.2,000/- to be deducted every month from out of the salary of the petitioner for recovery of the amount towards the award passed against the petitioner.

The writ petition is accordingly disposed of. No costs. However, it is made clear that this modification shall not have any effect on the appeal pending before the Tribunal.

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07.07.2005

VGB

To

1. The Divisional Cooperative Officer, Golconda Division, Block No.M-7, APHB, 3rd Floor, M.J.Road, Hyderabad.

2. The Official In-charge, Aryan Cooperative Urban Bank Ltd., O.U.Road, Nallakunta.

3. The Disbursing Officer, P & S Cell, Reserve Bank of India, 6-1-56, Secretariat Road, Saifabad, Hyderabad-04.

4. 2CCs to the Government Pleader for Cooperation, High Court Buildings, Hyderabad. (OUT)

5. 2CD copies.